



Report to: Development Services Committee

Report Date: October 30, 2017

SUBJECT: RECOMMENDATION REPORT
605918 Ontario Ltd. Proposed Draft Plan of Subdivision 19TM-16009 and Official Plan Amendment applications for mixed use, mid/high rise buildings at 8651 9th Line, in Cornell Centre (ward 5).

FILES: SU 16 117108, OP 16 117108

PREPARED BY: Sally Campbell, MCIP, RPP, ext. 2645
Development Manager, East District

REVIEWED BY: Ron Blake, MCIP, RPP, ext. 2600
Senior Development Manager

RECOMMENDATION:

- 1) That the report entitled “RECOMMENDATION REPORT, 605918 Ontario Ltd. Proposed Draft Plan of Subdivision 19TM-16009 and Official Plan Amendment applications for mixed use, mid/high rise buildings at 8651 9th Line, in Cornell Centre (ward 5), Files SU/OP 16 117108”, be received;
- 2) That the record of the Public Meeting held on April 10, 2017, regarding the applications for Draft Plan of Subdivision 19TM-16009 and Official Plan Amendment, be received;
- 3) That Draft Plan of Subdivision 19TM-16009 submitted by 605918 Ontario Ltd., be draft approved subject to the conditions outlined in Appendix ‘A’;
- 4) That the Director of Planning and Urban Design, or his designate be delegated authority to issue draft approval, subject to the conditions set out in Appendix ‘A’ as may be amended by the Director of Planning and Urban Design, including the addition of TRCA conditions;
- 5) That the draft plan approval for Plan of Subdivision 19TM- 16009 will lapse after a period of five (5) years from the date of Council approval in the event that a subdivision agreement is not executed within that period;
- 6) That the Official Plan Amendment application submitted by 605918 Ontario Ltd. to amend the Cornell Secondary Plan (2008) be approved, and that the draft Official Plan Amendment attached as Appendix ‘B’ be finalized and enacted without further notice;
- 7) That the City Clerk advise the Region of York that the Official Plan Amendment application submitted by 605918 Ontario Ltd. has been approved, and that the City

has no objection to the Region of York removing the subject lands from Deferral 2 Area in the Cornell Secondary Plan (2008); and

- 8) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

York Region's Official Plan 2010 (YROP 2010) identifies Cornell Centre, including the subject lands, as an intensification area and a key development area along the planned Highway 7 regional rapid transit corridor. As a growth centre along a regional rapid transit corridor, now with a regional bus terminal at its heart, Cornell Centre is intended to provide for a mix of uses at transit-supportive densities. In order to re-envision the land use planning framework and update City policies in conformity with the Regional policy, planning staff carried out a Precinct Plan study, which undertook to realize a fine grid street pattern for the roads and to refine the land uses, built form and densities in Cornell Centre. The Precinct Plan was received by Council in February 2012 and precipitated the current update to the Cornell secondary plan, a draft of which was received by DSC in September 2015 and released for consultation. The supporting studies for the secondary plan update have now been completed and planning staff anticipate bringing a recommendation report to DSC in early 2018 seeking approval of the updated secondary plan.

The proposed plan of subdivision and official plan amendment applications that are the subject of this report are generally consistent with both the Precinct Plan vision and the direction of the secondary plan update in terms of achieving a mix of uses, heights and densities dispersed across a fine grid street network; providing for approximately 2,200 residential units, 300,000 square feet of commercial floor space and a future public park.

This report discusses the commitment of various landowners within Cornell Centre, including the current applicant, to upfront construction of certain local roads and underground services to facilitate the opening of the Regional bus terminal by the end of 2018 and acknowledges the advantages of building a new community around transit rather than trying to attract transit facilities at a later date.

The proposed draft plan and land use designations establish the planning principles and the framework for future development proposals. Detailed site plan and zoning applications will be required in the future before any construction can commence except for the construction of some of the underground services, as mentioned above.

PURPOSE:

This report recommends approval of Draft Plan of Subdivision 19TM-16009 to create four (4) future development blocks, a future park block and new public local roads. It also recommends approval of an Official Plan Amendment application that will confirm the underlying land use designations and criteria for development proposals in the future.

BACKGROUND:

The 6.92 hectare (17.10 acre) subject property is located within Cornell Centre, at the north east corner of Highway 7 and 9th Line (See Figures 1, 2 and 3).

Surrounding land uses include:

- Markham Stouffville Hospital to the north;
- York Region Rapid Transit Corporation (YRRTC) bus terminal site abuts the northeast portion of the subject property;
- Lands further to the east, owned by others, are anticipated to be developed with mid and high rise mixed use developments in the future all the way to Bur Oak Avenue;
- South of Highway 7, a stacked townhouse project is under construction;
- To the west, across 9th Line is an established low rise residential neighbourhood.

PROPOSAL

The applications establish future development blocks and road alignments that implement the fine street network envisioned for Cornell Centre, and confirm land use designations that align with those set out in the draft update to the Cornell Secondary Plan. Mixed use mid-rise and high rise buildings are anticipated to be developed in the long term with up to approximately 2,200 apartment units and 300,000 square feet of commercial floor space; however there are no detailed development proposals at this time. Matters relating to built form, architectural appearance, parking and development standards will be confirmed through future zoning by-law amendment and site plan control applications. Approval of the draft plan and official plan amendment will establish the principles and the framework for the future detailed development applications.

First phase provides for services to be constructed

605918 Ontario Ltd. is responsible for providing water, storm sewer and sanitary sewer services to enable the development of the YRRTC bus terminal. By establishing the street and block pattern through approval of this draft plan of subdivision the Owner intends to upfront the installation of services in order to meet the Region's construction programme for the bus terminal, which is slated to open at the end of 2018. City staff have also been working with other landowners, including C.P. Capital Inc., Markham Stouffville Hospital and YRRTC to ensure the adjacent local road network is built in advance of final registration of this and the adjacent draft plans. None of the proposed roads shown on the draft plan of subdivision (Figure 4) will be constructed in the short term, except for the north – south road along the east side of the bus terminal and its intersection with Highway 7; however the installation of pipes under future road alignments, namely the proposed extension of Arthur Bonner Avenue, will proceed following issuance of draft plan approval.

The City will be entering into separate construction agreements with 605918 Ontario Ltd. and the adjacent landowners, CP Capital, to ensure that the roads and service infrastructure are constructed in accordance with City standards and delivered in time to meet the Region's construction programme for the bus terminal.

The draft plan (See Figure 4) proposes four development blocks, a park block and future public roads, as follows:

Block No.	Proposed Designation & Block Location	Summary of Proposed Development Criteria
1	‘Community Amenity Area – Mixed Use 9 th Line’ North west corner of plan (9 th Line & Rustle Woods)	<ul style="list-style-type: none"> • 1 hectare block providing for mid-rise buildings and a tower/podium building; • 4 storey buildings within 30 metres of the 9th Line streetline transitioning up to a max. height 18-storey mixed use apartment building; • commercial uses at grade / required along Rustle Woods Ave; • Parking to be predominantly provided underground • Min. 1.5 FSI.
2	‘Community Amenity Area – Mixed Use 9 th Line’ South west corner of plan (9 th Line & Hwy 7)	<ul style="list-style-type: none"> • 1.49 hectare block providing for mid-rise buildings and tower/podium buildings; • 4 storey buildings within 30 metres of the 9th Line streetline transitioning up to a max. height 18-storey mixed use apartment building; • commercial uses provided for at grade; • Parking to be predominantly provided underground • Min. 2.0 FSI
3	‘Community Amenity Area – Mixed Use 9 th Line’ North east corner of plan (adjacent to Rustle Woods & the future bus terminal)	<ul style="list-style-type: none"> • 1.14 hectare block providing for mid-rise buildings and tower/podium buildings; • 4 to 18 storey buildings; • commercial uses provided for at grade / required along Rustle Woods Ave; • Parking to be predominantly provided underground • Min. 2.0 FSI
4	Neighbourhood Park (Centrally located with frontage on future extension of Arthur Bonner Ave.)	0.43 hectares in accordance with the area of parkland within this general location provided for in the Cornell Master Parks Agreement
5	‘Residential High Rise’ (South east corner of the plan with frontage on Hwy 7)	<ul style="list-style-type: none"> • 1.35 hectare block providing for high rise tower/podium residential apartment buildings; • 4 to 24 storeys; • commercial uses provided for at; • Parking to be predominantly provided underground • Min. 2.5 FSI.
Street ‘A’	East / West Road	<ul style="list-style-type: none"> • 18.5 m wide right of way; • Restricted right in / right out intersection at 9th Line.
Street ‘B’	North / South Road	<ul style="list-style-type: none"> • 18.5 m wide right of way; • Connecting Rustle Woods Ave. and Hwy 7;

		<ul style="list-style-type: none"> • Restricted right in / right out intersection at Hwy 7.
Street 'C'	East /West Road	<ul style="list-style-type: none"> • 19.5 m wide right of way; • Extension of Arthur Bonner Avenue that will connect through adjacent development to the east linking to Bur Oak Ave., across Cornell Centre Blvd. to William Forster Rd.
Street 'D'	North / South Road	<ul style="list-style-type: none"> • Partial road right of way to be combined with lands to the north and east to complete the connection from Rustle Woods Ave. to Hwy 7. This road to be constructed in its entirety by adjacent landowner to provide access to bus terminal.

OFFICIAL PLAN AND ZONING

Official Plan

In-force Official Plan (Revised 1987)

- The majority of the subject lands are designated 'Urban Residential'
- The south portion of the site abutting Highway 7 is designated 'Commercial - Community Amenity Area'.

Current 2008 Cornell Secondary Plan (OPA 168), as amended

- The subject lands are within an area identified as 'Deferral 2' in the current Cornell Secondary Plan (2008). Consequently, the policies of the Cornell Secondary Plan are deferred and the policies of the 1995 Cornell Secondary Plan (OPA 20) continue to apply.

Underlying land use designations in the current secondary plan that are deferred are as follows:

- 'Residential Neighbourhood – Cornell Centre' which contemplates stacked townhouses and apartment dwellings, within buildings that range in height between 4 – 6 storeys with a minimum Floor Space Index (FSI) of 1.5; and
- 'Avenue 7 Corridor – Mixed Residential' which contemplates high density mixed use development, within buildings ranging in height between 5 and 8 storeys, and with a minimum FSI of 2.0.

1995 Cornell Secondary Plan (OPA 20)

Provides for the following uses on the subject lands:

- 'Neighbourhood General', which contemplates low density housing, with a net site density range of 17.0 to 37.0 units per hectare (6.9 to 14.9 units per acre); and
- 'Community Amenity Area – Corridor', which contemplates medium density residential, office and institutional uses, within buildings ranging between 2 to 6 storeys with a maximum FSI of 1.5.

The “2014 Official Plan” (partially approved by the OMB Oct. 2015, May 2016, March 2017 and April 2017)

The 2014 Official Plan provides that until an updated secondary plan is approved for the Cornell Centre Secondary Plan Area, the provisions of the in-force Official Plan (Revised 1987), as amended, including the secondary plan policies currently in effect, continue to apply. However, it should be noted that, in compliance with The York Region Official Plan 2010 (YROP 2010), the City’s 2014 Official Plan identifies Cornell Centre, including the subject lands, as an intensification area and key development area along the Highway 7 regional rapid transit corridor. As a centre along a regional rapid transit corridor, it is intended to provide for a mix of uses at transit-supportive densities.

Update to the Cornell Secondary Plan

An update to the secondary plan is currently underway, which will apply to the lands known as Cornell Centre and include the subject lands. A draft amendment was released and provided to DSC in September 2015 proposing the following designations on the subject lands:

- ‘Community Amenity Area – Mixed Use 9th Line’, which provides for apartment buildings, stacked townhouses (not fronting Rustle Woods Avenue), multi-storey non-residential or mixed use buildings and single-storey community facility buildings. Building heights are 4 to 12 storeys, but not exceeding 5 storeys within 30 metres of the 9th Line streetline. Floor space index (FSI) is a minimum of 2.0;
- ‘Residential High Rise’, applies to the central and southern portions of the subject lands and provides for stacked townhouses (not fronting Highway 7) and apartment dwellings. A minimum of 2.0 FSI applies to the central portion of the site and a minimum of 2.5 FSI applies to the south portion adjacent to Highway 7. Building heights provide for a range of 4 to 12 storeys for the central portion of the site and 8 to 12 storeys for apartment buildings adjacent to Highway 7 and up to 18 storeys for apartment buildings with a podium/tower built from.

Proposed Official Plan Amendment

In advance of the secondary plan update being approved, the applicant has submitted an Official Plan Amendment for the subject lands which requests that the ‘Deferral 2’ designation be replaced by the policies of the proposed secondary plan update with respect to land uses and development criteria with a site specific exception relating to some additional height along Highway 7.

The Region of York (the “Region”) has retained its approval authority with respect to the ‘Deferral 2’ designation, but has delegated approval of the site specific official plan amendment application to the City. The Region has no objection to the proposed official plan amendment and if approved staff recommend a copy of the Council resolution be forwarded to the Region advising that the City has no objection to removing the subject lands from the Deferral 2 area.

The proposal will effectively implement the land uses and built form policies contemplated in the draft Cornell Secondary Plan update of September 2015. An exception is required to permit taller buildings of up to 24 storeys for Block 5 on the proposed draft plan adjacent

to Highway 7, whereas a maximum of 18-storeys is contemplated in the draft 2015 update. Staff are of the opinion that this will achieve an appropriate concentration of height and building mass abutting Highway 7 transitioning to lower building heights towards the west of the subject lands closer to 9th Line.

Zoning

The subject lands are zoned Rural Residential Four (RR4) under By-law 304-87, as amended, which permits one single detached dwelling on a large rural lot (See Figure 2). Applications to amend the current zoning will be required to be submitted for review and approval in the future to provide appropriate development standards for subsequent site plan implementation.

Application Process and Next Steps

- Draft Plan of Subdivision and Official Plan applications were submitted on September 2, 2016 and deemed complete on October 3, 2016.
- A preliminary report was provided to DSC on March 20, 2017 in advance of the Statutory Public Meeting which was held on April 10, 2017 having been deferred from April 5, 2017 due to a scheduling conflict.
- The preliminary report sought authorization for the City to enter into a construction agreement with the Owner to enable the construction of underground services in advance of registration of the plan of subdivision. It is anticipated that the construction agreement will be executed before the end of 2017 in order that the services can be installed to meet the Region's construction programme for the bus terminal.
- Ward 4 Councillor Rea hosted a Community Information Meeting on September 21, 2017 affording residents living in ward 4 on the west side of 9th Line an opportunity to learn more about the proposal and voice opinion. This meeting was also attended by the applicant's representatives, City staff, Deputy Mayor Heath, Ward 5 Councillor Campbell and Regional Councillor Armstrong.
- Zoning By-law Amendment and Site Plan Control applications are required to facilitate development on each block within the draft plan in the future. The approval authority for each of the future site plan applications is DSC.
- Site plan approval can only occur after the applicant has cleared the conditions of draft subdivision approval and registers the plan of subdivision, which is not anticipated for several years.

Public Input

Written submissions were received from two members of the public and adjacent land owners in addition to deputations at the April 10, 2017 public meeting. The key concerns and observations are summarized as follows:

1. A partial owner of lands to the east submitted support for moving forward with development approvals on the subject lands and the wider Cornell Centre area, but expressed concerns regarding prematurity of the applications citing the landowners cost sharing agreement and Master Parks Agreement in connection with the location of parks and other community land uses in the area.

- City staff are of the opinion that matters relating to the cost sharing arrangements for the delivery of community uses are appropriately provided for through the Cornell Landowners Group and Cornell Master Parks Agreement, wherein each landowner is required to either convey parkland in appropriate locations, and/or contribute financially to an equitable share for the delivery of parkland within Cornell Centre. In this regard the proposed draft plan provides 0.43 hectares of parkland (Block 4), which reflects that required in the Cornell Open Space Master Plan. Additional parkland dedication will be required at a future date to satisfy the requirements for parkland generated by the proposed increase in density anticipated for the development blocks along the Highway 7 corridor and this is addressed later in the report.
- 2. Traffic congestion as a result of the proposed development and potential traffic infiltration through existing neighbourhoods are significant concerns for existing residents, particularly those living on the west side of 9th Line.
- 3. Proposed building heights and densities being provided for through the Official Plan Amendment are concerns expressed by ward 4 residents.

OPTIONS/ DISCUSSION:

Street & Block Pattern

A Precinct Plan study received by Council in February 2012 undertook to refine a plan for the roads, open spaces, land uses, built form and densities in Cornell Centre. The exercise also allowed landowners, residents and other stakeholders to engage in the re-visioning process, which formed the basis for the secondary plan update. The Precinct Plan developed a fine grid street network, which the proposed draft plan now seeks to implement. This type of street and block pattern results in shorter more walkable blocks, providing a range of routes to encourage alternative modes of travel and gives street users a variety of options when planning trips, which assists in dispersing traffic. The block sizes are suitable to accommodate the proposed height and density regime, whilst being large enough to ensure that appropriate transition in building height can be designed.

Transportation and Functional Traffic Design

Traffic congestion is cause for concern for existing residents living in the vicinity of the subject lands and has been expressed verbally at the public meetings held and in written submissions received. These concerns are understandable, as road users already consider the current congestion levels at peak times of travel to be a problem resulting in longer travel times. However, the Transportation Mobility Plan Study (TMPS) submitted with the application finds that under existing conditions the intersections in the area are operating at an acceptable level during the weekday morning and evening peak hours. Even with the projected number of developments in the area by 2022 most intersections will continue to function at acceptable levels with the exception of 9th Line and Highway 7; however this will not occur as a direct result of the traffic generated from the subject proposed development, but as a result of background growth and the long-distance traffic growth along Highway 7.

The proposed development in fact represents compact, transit oriented development, which means that the proposed densities and mix of uses in close proximity to the planned bus terminal and to the Highway 7 Regional rapid transit corridor will result in ease of access to alternative modes of travel, increasing transit ridership and decreasing car dependency. The build out of the Cornell community will also see the completion of the wider road network and in particular the east west connections from 9th Line through to the Donald Cousens Parkway. This additional connectivity will provide a range of routing options for road users resulting in greater traffic dispersal and potentially less reliance on today's most congested routes.

City and Regional transportation staff have reviewed the development applications and the supporting Transportation Mobility Plan Study and have confirmed no objection in principle to the proposed development. However, additional information is required to examine the wider road network and intersection analysis, such as the need for additional dedicated west-bound right turn lanes at Bur Oak Avenue and Stoney Stanton Road; the storage length for the eastbound left turn lane at Stoney Stanton Road, and the southbound left turn lane at 9th Line and Rustle Woods. These matters are required to be addressed as a condition of draft plan approval together with mitigation measures to minimize traffic impacts on Highway 7.

The Region requires a road widening across the Highway 7 frontage to achieve the required 49 metre right of way cross section for Highway 7 and the applicant will be required to revise the draft plan to provide the widening as a condition of draft plan approval.

Land Uses, Height and Density consistent with the vision for Cornell Centre,

The density of the proposed mixed-use residential land uses on each development block is generally consistent with the Draft Cornell Secondary Plan Amendment released in September 2015. This supports the role of Cornell Centre as a key development area along the Highway 7 rapid transit corridor and complies with 2014 OP principles relating to sustainable community development, including the creation of compact and complete communities that achieves transit supportive densities.

The proposed distribution of land uses and the height regime also respects the general intent of the Precinct Plan whereby a fine grain grid street network is planned and building heights transition from the tallest buildings (24 storeys) at the east side of the Highway 7 development block to mid-rise buildings (4 storeys) closest to 9th Line. A range of building heights and forms is anticipated across the development blocks, including the potential for 8 and 10 storey buildings facing Rustle Woods Avenue and podium / tower buildings up to 18 storeys high along the interior roads. Whilst the architectural details will be reviewed as part of site plan applications in the future, it is considered that the underlying framework proposed by the official plan amendment will result in a built form that provides an appropriate facing condition with the existing 2-storey homes that back onto the west side of 9th Line, as well as being compatible with the Markham Stouffville Hospital campus and future developments to the east.

Parkland Dedication

Block 4 on the draft plan represents a future public park block that reflects the size and general location of required parkland identified in the current Cornell Secondary Plan and in the Cornell Open Space Master Plan, which the Cornell Landowners group is responsible for delivering through the terms of the Master Parks Agreement. Additional parkland dedication will be required to meet the needs of the residential population generated through the higher densities proposed along the blocks fronting Highway 7. This will be dealt with in the future at the site plan application stage when the exact number of residential units is known and may be provided as parkland, cash in lieu of parkland or a combination of both. At the site plan stage it is envisaged that the blocks will be designed to incorporate publically accessible plazas, urban open spaces as well as private amenity areas ensuring a high level of connectivity through development blocks and a quality public realm.

Municipal Servicing

There is sufficient servicing allocation available from the allocation reserve to serve the proposed development although the servicing allocation itself will be assigned at the site plan stage when the precise number of units proposed on each development block is confirmed. The proposed development is required to conform to the Master Environmental Servicing Plan (MESP) that addresses the infrastructure needs of the entire Cornell community. Also, a detailed Functional Servicing Report for the proposed development is required to be approved to the satisfaction of the Director of Engineering and is a condition of draft plan approval (Appendix 'A').

Toronto Region Conservation Authority

The TRCA is currently reviewing the latest updates to the Cornell MESP submitted by the Cornell landowners group, as well as technical reports dealing with hydrogeologic and geotechnical details. The TRCA's conditions of draft plan approval are outstanding at this time. In order to ensure that the TRCA's requirements are appropriately addressed, including existing and proposed drainage patterns, conformity with the Cornell MESP and appropriate flow and capacity calculations for the proposed system, draft plan approval will not be issued by the Director of Planning and Urban Design until the TCA's conditions have been provided to planning staff.

Due to the need to advance construction of service infrastructure and roads in order to meet the Region's construction programme for the bus terminal it is important that the TRCA interests are protected whilst allowing the street and block pattern to be established. Therefore, revisions to the draft plan conditions may be required prior to final issuance to address any additional TRCA requirements.

Region of York

The Region has delegated approval authority for the official plan amendment to the City and regional staff have indicated that there are no objections to approval of the Draft Plan of Subdivision, subject to conditions of draft plan approval which are included in Appendix 'A'. If the official plan amendment that is the subject of this report is approved then the

City will advise the Region that there is no objection to the subject lands being removed from the Deferral 2 area of the 2008 Cornell Secondary Plan.

CONCLUSION

The applicant is seeking draft plan approval of the street and block pattern that will confirm the framework for future development proposals together with the underlying land use policies and principles. There are outstanding technical matters that need to be addressed and the draft plan conditions ensure that the applicant cannot proceed to register the subdivision until all City and agency interests have been satisfied. Given that the applicant does not intend to advance any detailed development proposals at this time, it is recommended that the draft plan approval is granted for a five year period rather than the typical three year period to allow sufficient time for the technical aspects to be addressed. Details relating to built form, architectural appearance, parking and development standards for each development block will be confirmed through zoning and site plan applications to be submitted for review and approval at a future date, which will include further public consultation.

At this stage, planning staff support approval of the proposed development framework and acknowledge the coordination efforts of the Cornell landowners to advance construction of service infrastructure and key local roads in support of the Region's bus terminal project. Securing the transit location in the heart of Cornell Centre in advance of development is a positive advancement. Coupled with the proposed development densities dispersed across a fine grid street network these plans support the delivery of a new transit-oriented mixed use community. Approval of the draft plan of subdivision will establish the street and block pattern envisioned for Cornell Centre and approval of the official plan amendment will implement land use policies which generally align with the Draft Cornell Secondary Plan. Staff recommend approval of the draft plan of subdivision subject to the conditions in Appendix 'A', and approval of the official plan amendment in Appendix 'B'.

FINANCIAL CONSIDERATIONS:

Not applicable.

HUMAN RESOURCES CONSIDERATIONS

Not applicable.

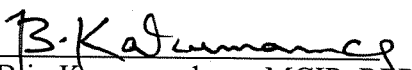
ALIGNMENT WITH STRATEGIC PRIORITIES:

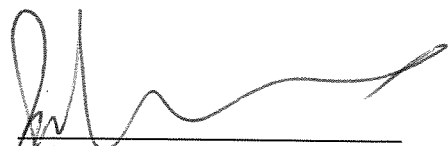
The proposed applications align with the City's strategic priorities of managing growth and municipal services to ensure safe and sustainable communities by implementing the proposed development in coordination with available servicing allocation.

BUSINESS UNITS CONSULTED AND AFFECTED:

These applications have been circulated to City departments and external agencies. The requirements of the City and external agencies are reflected in this recommendation report and the associated draft conditions of approval in Appendix 'A' attached hereto.

RECOMMENDED BY:


Biju Karumanchery, MCIP, RPP
Director of Planning & Urban Design


Brian Lee, P.Eng
Acting Commissioner of Development
Services

ATTACHMENTS:

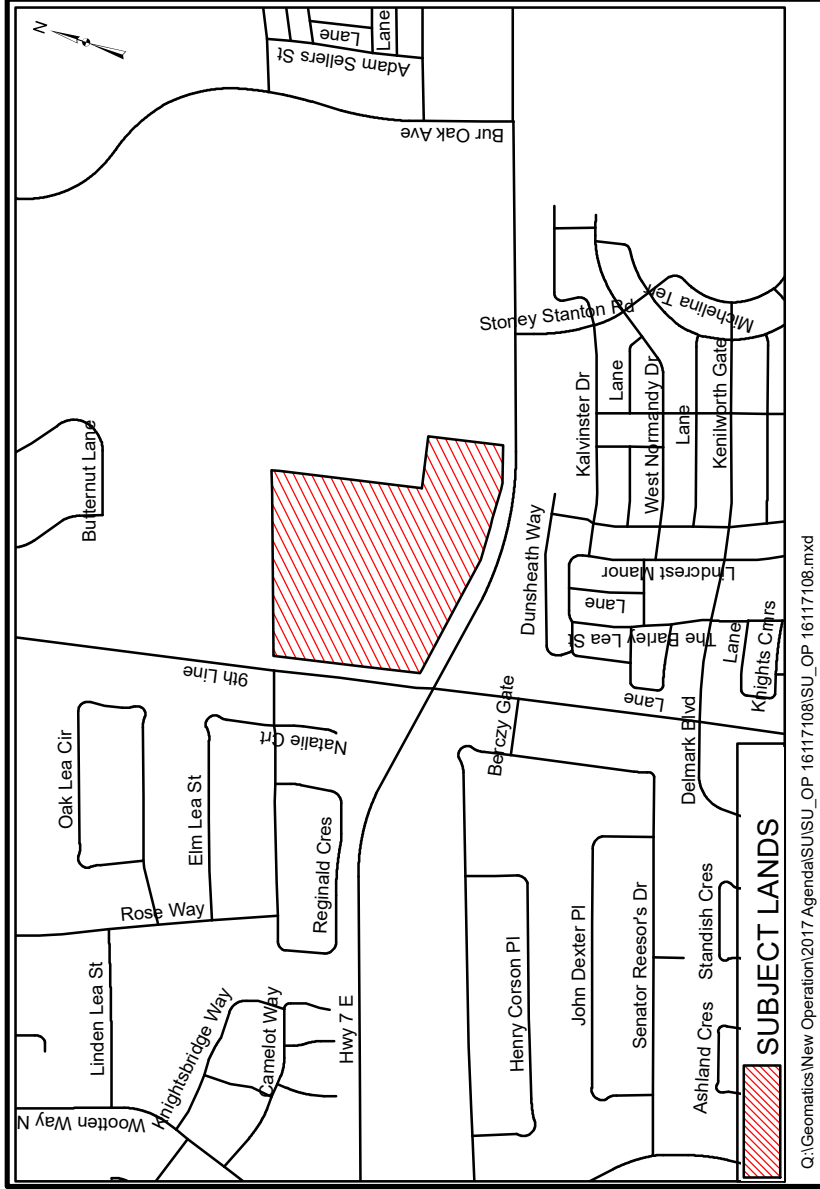
- Figure 1 – Site Location
- Figure 2 – Area Context
- Figure 3 – Aerial Photo
- Figure 4 – Proposed Draft Plan of Subdivision
- Figure 5 – Proposed Height & Density Regime
- Appendix A – Draft Conditions of Subdivision Approval
- Appendix B – Draft Cornell Secondary Plan Amendment

OWNER/AGENT:

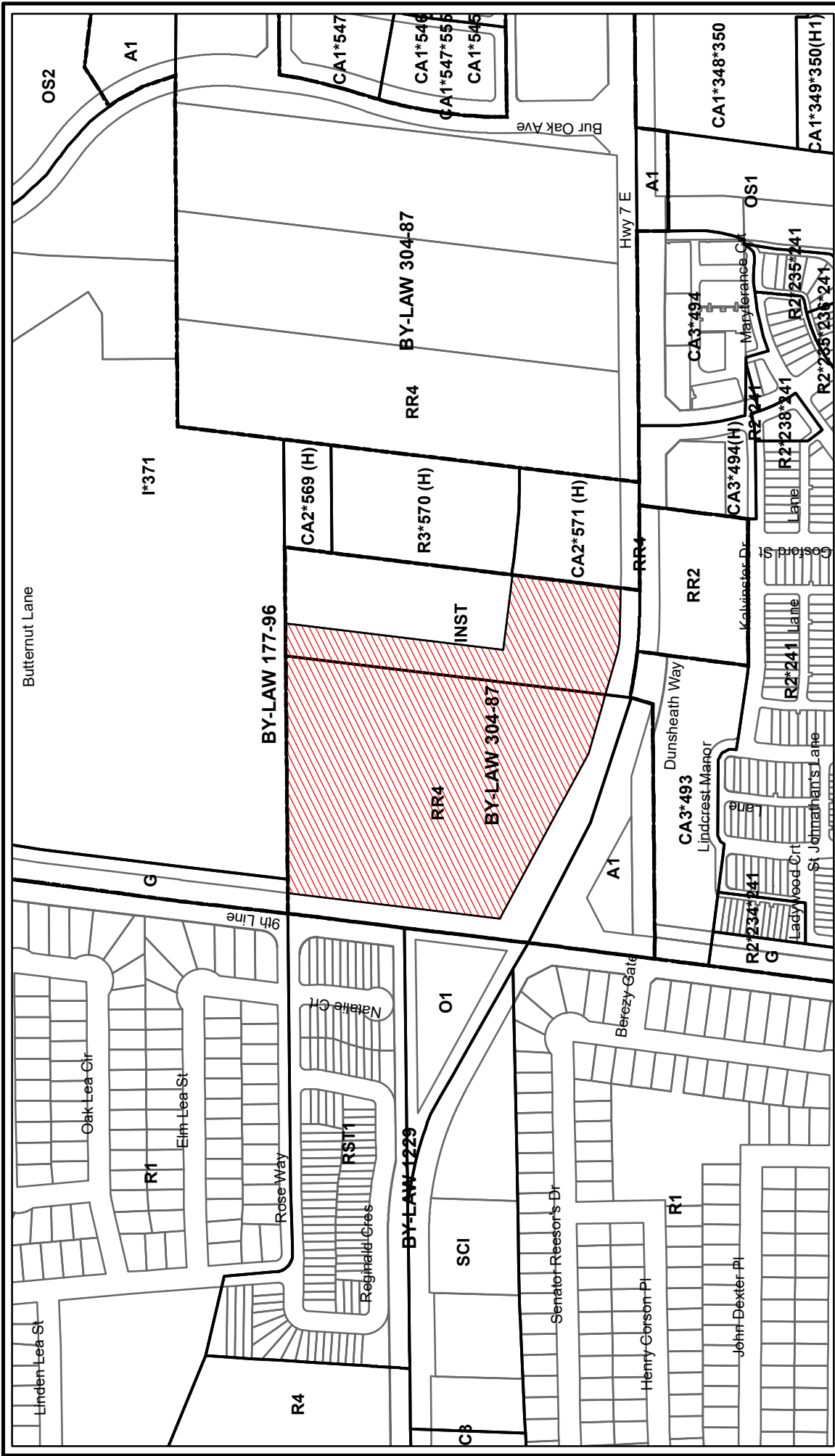
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AREA CONTEXT / ZONING

APPLICANT: 605918 ONTARIO LTD.
8651 9th LINE

FILE No. OP_SU 16117108 (SC)

 SUBJECT LANDS

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Checked By: SC

Date : 24/10/2017

FIGURE No. 2



AIR PHOTO (2016)

APPLICANT: 605918 ONTARIO LTD.
8651 9th LINE

FILE No. OP_SU 16117108 (SC)

 SUBJECT LANDS




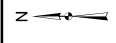


PROPOSED DRAFT PLAN OF SUBDIVISION

APPLICANT: 605918 ONTARIO LTD.
8651 9th LINE

FILE No. OP_SU 16117108 (SC)

 SUBJECT LANDS



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Drawn By: CPW

Checked By: SC

DATE : 24/10/2017

FIGURE No. 4

**THE CONDITIONS OF THE CITY OF MARKHAM TO BE SATISFIED PRIOR TO
RELEASE FOR REGISTRATION OF PLAN OF SUBDIVISION 19TM-16009
(605918 Ontario Ltd.)**

1. General

1.1 Approval shall relate to a draft plan of subdivision prepared by prepared by The Planning Partnership, identified as Job Number 1436, dated December 6, 2016, incorporating the following redline revisions:

- Name Street D south of Street C as a block. The lands (daylight) to be conveyed to Region should be separate blocks.
- Name Street C south portion fronting York Transit Terminal as a block.
- Create a separate block for daylight to be conveyed to Region at intersection of Street A and Ninth Line and Street B and Hwy 7.
- Label Block to be conveyed to Region at intersection of Hwy 7 and Ninth Line.
- Street C (Arthur Bonner Ave) right of way to be 19.5m.
- Add 0.30m reserves along west limit of Street D, south limit of Street C and east limit of Street B along Block 5.
- Any other revisions to accommodate the requirements and or conditions of the Toronto Region Conservation Authority.

1.2 This draft approval shall apply for a maximum period of five (5) years from date of approval by the Council of the City of Markham, and shall accordingly lapse on **November, 14 2022** unless extended by the City upon application by the Owner.

1.3 The Owner shall enter into a subdivision agreement with the City agreeing to satisfy all conditions of the City and Agencies, financial and otherwise, prior to final approval.

1.4 The Owner acknowledges and understands that prior to final approval of this draft plan of subdivision, amendment to the Secondary Plan for the Cornell Planning District to implement the plan shall have come into effect in accordance with the provisions of the Planning Act.

1.5 The Owner agrees to enter into a construction agreement and/or encroachment agreement or any other agreement deemed necessary to permit construction of services, roads, stormwater management facilities or any other services that are required external to the plan of subdivision (or site plan) and that are required to service the proposed development, to the satisfaction of the Director of Engineering and the City Solicitor.

- 1.6 The Owner acknowledges and agrees that the draft plan of subdivision and associated conditions of draft approval may require revisions, to the satisfaction of the City, to implement or integrate any recommendations from studies required as a condition of draft approval, including, but not limited to, Transportation Impact Study, Functional Traffic Design Study Stormwater Management Study. Master Environmental Servicing Plan, Functional Servicing Report, Noise Impact Study, confirmation of alignment of roads with the locations shown in the draft approved plans, as well as any comments and conditions received from municipal departments and external agencies after draft approval is granted.

2. Roads

- 2.1 The road allowances within the draft plan shall be named to the satisfaction of the City and York Region.

- 2.2 The road allowances within the draft plan shall be dedicated as public highway, free of all costs and encumbrances.

- 2.3 The Owner shall covenant and agree in the subdivision agreement that the public highways shall be designed and constructed in accordance with established municipal standards to the satisfaction of the City (Commissioner of Development Services).

- 2.4 The Owner shall covenant and agree in the subdivision agreement to provide temporary turning circles where required at their cost and remove them and restore the streets to their normal condition at their cost when required by the City, to the satisfaction of the City (Commissioner of Development Services). The design of the temporary turning circles, and any implications on surrounding land use, shall be addressed in the subdivision agreement to the satisfaction of the City.

- 2.5 Prior to the final approval of the draft plan, the Owner shall show the ROW rounding radius and/or daylight triangles of all road intersections, as redlined on the draft plan, to the satisfaction of the City (Commissioner of Development Services).

- 2.6 The Owner shall covenant and agree in the subdivision agreement to implement the traffic calming measures identified in the Functional Traffic Study. The Owner shall further covenant and agree to implement additional traffic calming measures, prior to assumption of the plan of subdivision, if it is determined by the City that additional traffic calming measures are required.

- 2.7 The Owner shall covenant and agree in the subdivision agreement that construction access will be restricted to Markham Stouffville Access Road.

- 2.8 The Owner shall covenant and agree in the subdivision agreement to apply for a Road Occupancy Permit or Permit to Enter, if any works or access to works is proposed on City's owned lands.

3. Noise Impact Study

- 3.1 Prior to final approval of the draft plan, the Owner shall submit a Noise Impact Study, prepared by a qualified noise consultant, with recommended mitigation measures for noise generated by road traffic and by any other identified noise sources, to the satisfaction of the City, in consultation with York Region. The Owner further agrees to make any revisions to the draft plan that may be required to achieve the recommendations of the Noise Impact Study.
- 3.2 The Owner shall covenant and agree in the subdivision agreement to implement noise control measures and warning clauses as recommended by the approved Noise Impact Study, to the satisfaction of the City (Commissioner of Development Services), in consultation with York Region.

4. Stormwater Management

- 4.1 Prior to final approval of the draft plan, the Owner shall submit a stormwater management study prepared by a qualified engineer, detailing the provision of water quality and quantity management facilities, hydraulic gradelines, overland flow routes, and erosion and siltation controls for the draft plan for approval by the City and the Toronto and Region Conservation Authority. The Owner acknowledges and agrees that they will be required to construct the proposed stormwater management facilities and overland routes, provide any easements or lands for stormwater and overland flow purposes, and to revise the draft plan accordingly, as may ultimately be required.
- 4.2 The Owner shall covenant and agree in the subdivision agreement to obtain approval of Site Alteration Plans in accordance with the City's Standards prior to proceeding with any on-site works and more particularly topsoil stripping.

5.0 Municipal Services

- 5.1 Prior to final approval of the draft plan, the Owner shall prepare, to the satisfaction of the City (Commissioner of Development Services), a Functional Servicing Report to determine the infrastructure required for all municipal services internal to the subdivision and potential upgrades to municipal infrastructure downstream of the subdivision resulted from this development. Any requirements resulting from this Report shall be incorporated into the draft plan and provided for in the subdivision agreement. The owner shall covenant and agree in the subdivision agreement to pay for all external municipal infrastructure upgrades.
- 5.2 The Owner shall covenant and agree in the subdivision agreement that they shall be required to construct, or pay for the construction of, roads, bicycle lanes, curbs, gutters, sidewalks (in accordance with the applicable Council policy and City's Design Criteria and

Standards), underground and above ground services, street lights, street signs, utilities, stormwater management facilities, etc., to the satisfaction of the City (Commissioner of Development Services).

- 5.3 Prior to final approval of the draft plan, detailed engineering drawings shall be provided in accordance with the City's Design Criteria and Standards, by the Owner which will include, but not be limited to grading control plans, plan and profile drawings of all underground and aboveground services, general plans, drainage plans, composite utility plans, streetlighting design drawings, stormwater management detail plans, etc. to the satisfaction of the City (Commissioner of Development Services).
- 5.4 The Owner shall acknowledge and agree in the subdivision agreement that building permits will not be issued for lands in any stage of development within the draft plan of subdivision until the Director of Building Services has been advised by the Fire Chief that there is an adequate water supply for firefighting operations and acceptable access for firefighting equipment is available.
- 5.5 The Owner acknowledges that the existing Markham Stouffville Hospital access road from Ninth Line to the existing terminus (approximately 300m from the east property line of Ninth Line) (the "MSH Access Road") is currently not a public highway. The Owners draft plan includes lands, legally described as Parts 3 and 4, Plan 65R-31270 and Part of Part 3, Plan 65R-31271, that constitute the south half of the required 22.0m right-of-way for the MSH Access Road. The north half of the MSH Access Road, legally described as Parts 5 and 6, Plan 65R-31270 and, Part of Part 4, Plan 65R-31271, is owned by Markham Stouffville Hospital. The Owner agrees ,when told by the City, to convey all the lands for the MSH Access Road to the City free of costs and encumbrances to the satisfaction of the City Solicitor and Director of Engineering, forthwith upon receipt of written notice from the City. The Owner further agrees to construct any services, roads and utilities where required within the MSH Access Road in accordance with approved engineering drawings to the satisfaction of the Director of Engineering.
- 6.0 Transportation Impact Assessment Study / Functional Traffic Design Study
- 6.1 Prior to final approval of the draft plan, the Owner agrees to submit a Functional Traffic Design Study ("FTDS") to the satisfaction of the Director of Engineering. The Owner further agrees to make any revisions to the draft plan that may be required in accordance to the recommendations of the FTDS.
- 6.2 Prior to to final approval of the draft plan, the Owner shall submit a Transportation Demand Management ("TDM") Plan to outline the overall TDM Strategy, to the satisfaction of the Director of Engineering.
- 6.3 In Addition, the Owner shall covenant and agree to provide a site specific TDM Plan for each block at the site plan stage. The site specific TDM Plan shall conform to the overall

TDM Strategy and provide detailed site information, including but not limited to traffic surveys, car-share, and short and long-term bicycle parking to the satisfaction of the Director of Engineering.

- 6.4 The Owner shall covenant and agree that prior to final approval of the draft plan, address all outstanding comments related to the Transportation Impact Study, Functional Traffic Design Study and Transportation Demand Management Plan to the satisfaction of the Director of Engineering. The Owner further covenants and agrees to revise the draft plan if required, to implement or integrate any recommendations from these studies to the satisfaction of the Director of Engineering.
- 6.5 The Owner shall covenant and agree to convey additional lands for any required road improvements for the Rustle Woods Avenue / 9th Line intersection, to the satisfaction of the Director of Engineering.
- 7.0 Easements
- 7.1 The Owner shall grant required easements to the appropriate authority for public utilities, drainage purposes or turning circles, upon registration of the plan of subdivision. Any off-site easements and works necessary to connect watermains, storm and sanitary sewers to outfall trunks and stormwater management facilities shall be satisfactory to, and dedicated to, the City.
- 8.0 Utilities and Canada Post
- 8.1 The Owner shall covenant and agree in the subdivision agreement that hydro electric, telephone, gas and television cable services, and any other form of telecommunication services shall be constructed at no cost to the City as underground facilities within the public road allowances or within other appropriate easements, as approved on the Composite Utility Plan, to the satisfaction of the City (Commissioner of Development Services) and authorized agencies.
- 8.2 The Owner shall covenant and agree in the subdivision agreement to enter into any agreement or agreements required by any applicable utility companies, including Powerstream, Enbridge, telecommunications companies, etc.
- 8.3 The Owner shall covenant and agree in the subdivision agreement to facilitate the construction of Canada Post facilities at locations and in manners agreeable to the City of Markham in consultation with Canada Post, and that where such facilities are to be located within public rights-of-way they shall be approved on the Composite Utility Plan and be in accordance with the Community Design Plan.
- 8.4 The Owner shall covenant and agree in the subdivision agreement to include on all offers of purchase and sale a statement that advises prospective purchasers that mail delivery will

be from a designated Community Mailbox. The Owners will further be responsible for notifying the purchasers of the exact Community Mailbox locations prior to the closing of any home sale.

- 8.5 The Owner shall covenant and agree in the subdivision agreement to provide a suitable temporary Community Mailbox location(s), which may be utilized by Canada Post until the curbs, sidewalks and final grading have been completed at the permanent Community Mailbox locations. This will enable Canada Post to provide mail delivery to new residents as soon as homes are occupied.
- 8.6 Standard Community Mailbox installations are to be done by Canada Post at locations approved by the municipality and shown on the Composite Utility Plan. Should the developer propose an enhanced Community Mailbox installation, any costs over and above the standard installation must be borne by the developer, and be subject to approval by the City in consultation with Canada Post.
- 8.7 The Owner shall agrees in the subdivision agreement that it will permit any telephone or telecommunication service provider to locate its plant in a common trench within the proposed subdivision prior to registration provided the telephone or telecommunications services provider has executed a Municipal Access Agreement with the City. The Owner shall ensure that any such service provider will be permitted to install its plant so as to permit connection to individual dwelling units within the subdivision as and when each dwelling unit is constructed.

9. Environmental Clearance

- 9.1 The Owner shall retain a “Qualified Person” as defined by the *Environmental Protection Act* and its regulations, to carry out all necessary environmental testing, evaluation and remediation and pay to the City for third party peer review. The Owner acknowledges that a “Qualified Person” will be retained for the execution of the Owner’s obligation hereunder. The Owner agrees that it shall not substitute the Qualified Person without the prior written consent of the Director of Engineering.
- 9.2 Prior to execution of Subdivision Agreement the Owner shall provide an environmental clearance to the City for all lands or interests in lands to be conveyed to the City to the satisfaction of the Director of Engineering. The City shall be satisfied that the lands are environmentally suitable for their proposed use and be certified as such by the “Qualified Person” as defined in Ontario Regulation 153/04, all of which shall be in accordance with the Environmental Protection Act and its regulations. The “Qualified Person” shall file a Record of Site Conditions on the Provincial Environmental Site Registry for all lands to be conveyed to the City.
- 9.3 The Owner shall covenant and agree in the subdivision agreement that if, during construction of the Works, contaminated soils or materials are discovered, the Owner shall inform the Director of Engineering immediately, and undertake, at its own expense, the necessary measures to identify and remediate the contaminated soils or groundwater, all in

accordance with the Environmental Protection Act and its regulations, to the satisfaction of the Director of Engineering and the Ministry of Environment. After remediation, the “Qualified Person” shall file an updated Record of Site Condition on the Provincial Environmental Site Registry, in accordance with Ontario Regulation 153/04, for all lands to be conveyed to the City.

9.4 The Owner shall covenant and agree in the subdivision agreement to assume full responsibility for the environmental condition of the Lands and agrees to indemnify and save harmless the City, its directors, officers, Mayor, councilors, employees and agents from any and all actions, causes of action, suite, claims, demands, losses, expenses and damages whatsoever that may arise either directly or indirectly from the approval and Assumption by the City of the Works, the construction and use of the Works or anything done or neglected to be done in connection with the use or any environmental condition on or under the Lands, including any work undertaken by or on behalf of the City in respect of the Lands and the execution of the Subdivision Agreement.

10. Well Monitoring Program and Mitigation Plan

10.1 Prior to any site alteration activities, the Owner shall check if there are any active wells within 500 meters of the Zone of Influence (ZOI). If any active wells are found within the ZOI, the Owner shall prepare and implement a Well Monitoring Program and Mitigation Plan, in accordance with the City’s requirements to the satisfaction of the Director of Engineering.

11. Municipal Infrastructure

11.1 The Owner and the City acknowledge that this subdivision, when fully constructed, will tentatively have the following the City’s municipal infrastructure:

- Local Roads: 535m
- Sidewalks: 965m
- Streetlights: 25nos.
- Watermain: 1070m
- Sanitary Sewers: 650m
- Storm Sewers: 700m

12. Streetlight Types

12.1 The Owner agrees to contact the City staff prior to commencing the design for Streetlighting to confirm the type(s) of poles and luminaires to be provided for different streets and/or lanes.

13. External Works

Definitions: For the purposes of this clause 13 the following definitions shall apply:

- A. **“NS Road”** means that portion of the future Street D extending from the north limit of Rustle Woods Avenue to the north limit of Highway 7;
- B. **“Street C west”** means that portion of the future Street C extending from the west limit of Street D to approximately 60m west of Street D;
- C. **“Services”** means all municipal sanitary, storm sewers and watermain and all appurtenances thereto, required for the servicing of the subdivision;

A. Construction the NS Road South:

- (1) The Owner acknowledges that as a condition of the approved draft plan of subdivision of adjacent lands, owned by 2431988 Ontario Limited and legally described as Parts 2 and 3, Plan 65R-31242, the NS Road is to be constructed by 2431988 Ontario Limited under a construction agreement with the City.
- (2) The Owner acknowledges that building permits will not be issued for Blocks 2 and 5 until the NS Road is constructed.

all to the satisfaction of the Director of Engineering.

B. Construction the Street C East:

- (1) The Owner acknowledges that the Owner’s draft plan constitutes the south half of the required 19.5m right-of-way for the Street C East and, that the remaining parts of the required 19.5m right-of-way for the Street C East are owned by the Regional Municipality of York (the “York Region”).
- (2) The Owner consents and agrees in the subdivision agreement or construction agreement to design and construct Street C East including but not limited to streetlight, utilities, landscape plans), and maintenance of the Street C East, and to provide fees, letter of credits, insurance, indemnities and other assurances as may be required by the City consistent with the construction of Street C East, all at the Owner’s sole cost.
- (3) The Owner agrees that upon execution of the subdivision agreement or construction agreement to make necessary arrangements with the York Region to convey all lands required for the 19.5m right-of-way for the Street C to the City free of costs and encumbrances, to the satisfaction of the City Solicitor.
- (4) The Owner further agrees to provide temporary turning circles, if required, at the end of Street C East and shall grant required easements upon registration of the plan of subdivision. The Owner further agrees to provide for the removal of the temporary turning circle and the temporary easement upon construction of the NS Road South to the satisfaction of City Solicitor.

all to the satisfaction of the Director of Engineering.

C. Services along Regional Road:

The Owner agrees to obtain approval from the York Region and construct all Services within Regional roads in accordance with approved engineering drawings and shall provide servicing easements, where required, to the City free of costs and encumbrances to the satisfaction of the Region of York, City's Director of Engineering and City Solicitor.

14.0 Tree Inventory and Preservation Plans

14.1 The Owner shall submit for approval a tree inventory and tree preservation plan to the satisfaction of the Director of Planning and Urban Design in accordance with the City of Markham Streetscape Manual dated 2009, as amended from time to time.

14.2 The Owner shall submit a site grading plan showing the trees to be preserved based on the approved Tree Preservation Plan prior to the issuance of a Top Soil Stripping Permit to the satisfaction of the Director of Planning and Urban Design.

14.3 The Owner shall obtain written approval from the Director of Planning and Urban Design prior to the removal of any trees or destruction or injury to any part of a tree within the area of the draft plan.

14.4 The Owner shall submit for approval, as part of the tree inventory and tree preservation plan, in accordance with the City of Markham Streetscape Manual a tree compensation schedule detailing replacement and enhancement planting or the equivalent replacement value based on the following:

- a) Trees between 20cm and 40cm diameter at breast height (DBH) shall be replaced at a ratio of 2:1.
- b) All trees over 40cm DBH shall have an individual valuation submitted to the City by an ISA certified Arborist in accordance with the Council of Tree and Landscape Appraisers (CTLA) Guide for Plant Appraisal (2000).
- c) Where a site does not allow for the 2:1 replacement, the City will negotiate a credit for tree planting on alternate sites in the form of cash-in-lieu payment.
- d) The requirement for the replacement or equivalent economic value following unauthorized tree removal or damage shall be determined by the City.

15. Community Design Plan

15.1 The Owner shall implement and incorporate all requirements of the Cornell Community Design Plan prepared for the Cornell Landowners Group by The Planning Partnership, dated May 2011 and approved June 16, 2011 and have regard for the Cornell Centre Precinct Plan prepared by Urban Strategies dated December 2013 into all streetscape plans,

architectural control guidelines, engineering plans and any other required design documents.

16. Parks and Open Space

- 16.1 The Owner shall provide a specialized depth (200mm) of topsoil in the entire municipal boulevard to appropriately plant boulevard trees including a continuous planting trench to the satisfaction of the Director of Planning and Urban Design.
- 16.2 The Owner shall post approved copies of any Open Space Plans, Conceptual Park Development Master Plans and Conceptual Facility Fit Plans for the park and school campus in all sales offices for dwelling units within the draft plan of subdivision.
- 16.3 The Owner shall covenant and agree in the subdivision agreement to provide parkland dedication within the Cornell Community in accordance with the Cornell Master Parks Agreement.
- 16.4 Prior to registration of the plan of subdivision, the Owner shall provide an updated report indicating the total parkland dedication for the Cornell Community in accordance with the Cornell Master Parks Agreements given as of the date of registration.
- 16.5 Prior to final approval of the draft plan the Owner shall provide a soil report for approval in accordance with the City's Streetscape Manual to the satisfaction of the Director of Planning and Urban Design prior to the installation of any soil for any of the planting trenches.

17. Streetscape Works

- 17.1 Prior to execution of the subdivision agreement, the Owner shall submit streetscape plans prepared by a qualified person based on the Public Realm Guidelines, Cornell Centre Precinct Plan and Community Design Plan into all streetscape works, to the satisfaction of the Director of Planning and Urban Design. The streetscape plans shall include, but shall not be limited to:
 - a) Street tree planting in accordance with the City of Markham Streetscape Manual dated June 2009, as amended from time to time.
 - b) Any other landscaping as determined by the Community Design Plan, Precinct Plan and the Environmental Master Drainage Plan.
 - c) Noise attenuation fencing in accordance with the approved noise study.
 - d) Urban boulevard treatments in the public realm, such as raised concrete street tree planters, concrete pavers and other hard landscape treatments, as required by the Director of Planning and Urban Design.
 - e) Any other landscaping as determined by the Community Design Plan, Public Realm Guidelines, Precinct Plan, and Environmental Master Drainage Plan.

- 17.2 The Owner shall covenant and agree in the subdivision agreement that the detailed design and construction of all landscaping shall be at no cost to the City and in accordance with the provisions of the approved landscape/streetscape plans.
- 17.3 The Owner shall covenant and agree in the subdivision agreement to obtain written approval of the City prior to the removal of any trees within the area of the draft plan.
- 17.4 The Owner shall not permit their builders to charge home purchasers for the items listed in Condition 17.1.
- 17.5 The Owner shall include in all agreements of purchase and sale the following clause:

“PURCHASERS ARE ADVISED THAT AS A CONDITION OF APPROVAL OF THE SUBDIVISION WITHIN WHICH THIS UNIT OR LOT IS LOCATED, THE CITY OF MARKHAM HAS REQUIRED THE DEVELOPER TO UNDERTAKE AND BEAR THE COST OF THE FOLLOWING ITEMS:

- **STREET TREES (TREES PLANTED IN THE CITY BOULEVARD Or IN ADJACENT PUBLIC LANDS OR PRIVATE LOTS**
- **CORNER LOT FENCING**
- **REAR LOT LINE FENCING AT LANES (IF SPECIFICALLY REQUIRED BY THE CITY)**
- **TREE PLANTING IN REAR YARDS ADJOINING THE LANES (IF SPECIFICALLY REQUIRED BY THE CITY)**
- **NOISE ATTENUATION FENCING AS IDENTIFIED IN THE NOISE IMPACT STUDY**
- **FENCING OF SCHOOL, PARK, WALKWAY AND STORMWATER MANAGEMENT POND BLOCKS**
- **BUFFER PLANTING FOR OPEN SPACE, WALKWAY AND STORMWATER MANAGEMENT POND BLOCKS AND SINGLE LOADED STREET ALLOWANCES**
- **SUBDIVISION ENTRY FEATURES AND DECORATIVE FENCING AS IDENTIFIED ON LANDSCAPE PLANS APPROVED BY THE CITY.**

THE DEVELOPER HAS BORNE THE COST OF THESE ITEMS AND THE HOME PURCHASER IS NOT REQUIRED TO REIMBURSE THIS EXPENSE.”

- 17.6 Prior to execution of the subdivision agreement the Owner shall provide a letter of credit, in an amount to be determined by the Director of Planning and Urban Design, to ensure compliance with applicable tree preservation, fencing, streetscape, buffer and other landscaping requirements.

18. Heritage

18.1 Prior to final approval of the draft plan of subdivision or any phase thereof, the Owners shall carry out a cultural heritage resource assessment for the lands within the draft plan to ensure the assessment and identification of appropriate treatment of built heritage and archaeological resources, and further to mitigate any identified adverse impacts to significant heritage resources to the satisfaction of the City (Commissioner of Development Services) and the Ministry of Culture. No demolition, grading, filling or any form of soil disturbances shall take place on the lands within the draft plan prior to the issuance of a letter from the Ministry of Culture to the City indicating that all matters relating to heritage resources have been addressed in accordance with licensing and resource conservation requirements.

18.2 The Owner shall covenant and agree in the subdivision agreement to implement any measures recommended by the heritage resource assessment, to the satisfaction of the City and the Ministry of Culture.

19.0 Developers Group

19.1 Prior to final approval of the draft plan or any phase thereof, the Owner shall enter into a Developers Group Agreement(s) to ensure the provision of community and common facilities such as school sites, municipal services, parks and public roads in the Cornell Secondary Plan area, to the satisfaction of the City (Commissioner of Development Services and City Solicitor), and written confirmation of such agreement(s) shall be provided to the City by the Developers Group Trustee to the satisfaction of the City Solicitor.

19.2 That the Owner covenants and agrees to provide written clearance from the Trustee of the Cornell Land Owners Group respecting all of the lands within the draft plan, prior to registration of the draft plan for the proposed development or any portion of the subject lands within the draft plan, to the satisfaction of the Director of Planning and Urban Design.

20. Other City Requirements

20.1 The Owner shall provide and post display plans in all sales offices which clearly indicate the location of the following facilities in relation to the unit or lot being purchased, prior to any Agreements of Purchase and Sale being executed by the Owner, a builder, or their real estate agents:

Parks by type, including Park and Open Space Concept Plans and Streetscape Plans; stormwater management ponds and related facilities; schools by type; place of worship sites; other institutional sites by type; commercial sites by type; other surrounding land uses and facilities as specified by the City; existing or future: rail facilities, provincial highways, arterial and collector roads, transit routes and stops; City approved sidewalk, walkway and bike route locations; City approved postal box and utility furniture locations or possible locations if prior to approval; and City lot grading standards.

All display plans shall be reviewed and accepted by City staff, prior to the opening of the sales office, to the satisfaction of the Director of Planning and Urban Design or his designate.

- 20.3 Fire break lots shall be designated within the *subdivision/site plan* agreement, to the satisfaction of the Fire Chief or his designee.
- 20.4 The adequacy and reliability of water supplies for firefighting purposes are subject to the review and approval of the Fire Chief or his designee. The Owner shall provide a letter of credit in an amount to be determined by the Fire Chief at the subdivision agreement stage to ensure compliance with this condition.
- 20.5 The Owner shall acknowledge and agree in the subdivision agreement that building permits will not be issued for lands in any stage of development within the draft plan of subdivision until the Director of Building Services has been advised by the Fire Chief that there is an adequate water supply for firefighting operations two that two means of access, independent of one another are to be provided into the development under all conditions.
- 20.6 The Owner shall covenant and agree in the subdivision agreement to purchase from the City two recycling containers, one green bin and one kitchen collector per residence so that each purchaser may participate in the City's waste diversion program. Furthermore, the Owner shall ensure that the recycling containers, green bins, kitchen collectors and educational materials are deposited in each home on or before the date of closing.
- 20.7 The Owner agrees to contact the City at least four weeks prior to unit occupancy to arrange an appointment time in which the recycling containers, green bins, kitchen collectors and educational materials are to be collected by the Owner.
- 20.8 The Owner shall covenant and agree in the subdivision agreement to pay to the City the cost for the recycling containers, green bins and kitchen collectors and to provide said recycling containers, green bins and kitchen collectors to the purchasers at the same cost as paid to the City.
- 20.9 The City agrees to provide, at no cost to the Owner, all educational materials necessary to enable the purchaser to participate in the City's waste diversion program.
- 20.10 The Owner shall covenant and agree in the subdivision agreement that during the construction phase of the development, unobstructed roadway access to a width no less than 6 metres will be provided for the safe passage of municipal waste and recycling collection vehicles on the designated collection day. Furthermore, if required, the Owner shall provide vehicle turning space that meets the City's engineering design standards. The Owner agrees that at times when the above defined access cannot be provided, the Owner shall be responsible for moving all residential waste, recyclables and organics from the occupied units to an agreed upon centralized location at the Owner's expense, for collection by the City.

- 20.11 The Owner acknowledges that all waste and recyclable materials will be collected municipally.
21. Reserved for Toronto and Region Conservation Authority (TRCA)
22. Region of York
- 22.1 The road allowances included within the draft plan of subdivision shall be named to the satisfaction of the City of Markham and York Region.
- 22.2 York Region shall confirm that adequate water supply and sewage capacity are available and have been allocated by the City of Markham for the development proposed within this draft plan of subdivision or any phase thereof. Registration of the plan of subdivision shall occur in phases based on the availability of water supply and sewage servicing allocation.
- 22.3 The Owner shall agree in the subdivision agreement that the Owner shall save harmless the City of Markham and York Region from any claim or action as a result of water or sanitary sewer service not being available when anticipated.
- 22.4 Prior to final approval, the engineering drawing showing the layout of the watermains and sewers shall be submitted to the Infrastructure Asset Management Branch for review and record.
- 22.5 The Owner shall agree in the subdivision agreement that any direct connection(s) to and/or the crossing(s) of a York Region water or wastewater system requires Regional approval prior to construction. Engineering drawings showing details of the connection(s) and/or crossing(s) shall be submitted to the Infrastructure Asset Management Branch for approval.
- 22.6 Prior to final approval, the Owner shall have prepared by a qualified professional transportation consultant, a functional transportation report/plan outlining the required road improvements for this subdivision. The report/plan, submitted to Development Engineering for review and approval, shall explain all transportation issues and shall recommend mitigative measures for these issues.
- 22.7 The Owner shall agree in the subdivision agreement, in wording satisfactory to Development Engineering to implement the recommendations of the functional transportation report/plan as approved by Development Engineering.
- 22.8 Prior to final approval and concurrent with the submission of the subdivision servicing application (MOE) to the area municipality, the Owner shall provide a set of detailed engineering drawings for any works to be constructed on or adjacent to the York region road, to the Development Engineering, Attention: Manager, Development Engineering, which includes the following drawings:

- a) Plan and Profile for the York region road and intersections;
 - b) Grading and Servicing;
 - c) Intersection / Road Improvements, including the recommendations of the traffic Report;
 - d) Construction Access Design;
 - e) Utility and underground services Location Plans;
 - f) Electrical and Illumination Designs;
 - g) Line Painting;
 - h) Traffic Control / Management Plans;
 - i) Erosion and Siltation Control Plans;
 - j) Landscaping Plans, including tree preservation, relocation and removals;
 - k) Requirements of York region Transit / Viva.
- 22.9 Prior to final approval, the Owner shall provide drawings for the proposed servicing of the site to be reviewed by the Engineering Department of the area municipality. Three (3) sets of engineering drawings (stamped and signed by a professional engineer), and MOE forms together with any supporting information, shall be submitted to the Community Planning and Development Services Division, Attention: Mrs. Eva Pulnicki, P.Eng.
- 22.10 Prior to final approval, the location and design of the construction access for the subdivision work shall be completed to the satisfaction of the Community Planning and Development Services Division and illustrated on the Engineering Drawings.
- 22.11 Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Community Planning and Development Services Division, that all existing driveway(s) along the Regional road frontage of this subdivision will be removed as part of the subdivision work, at no cost to York Region.
- 22.12 Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Development Engineering that elevations along the streetline shall be 0.2 metres above the centerline elevations of the York Region Line roadway, unless otherwise specified by Development Engineering.
- 22.13 Prior to final approval, the Owner shall submit drawings depicting the following to the satisfaction of York Region staff:
- a) All existing woody vegetation within the York Region road right of way,
 - b) Tree protection measures to be implemented on and off the York Region road right of way to protect right of way vegetation to be preserved,
 - c) Any woody vegetation within the York Region road right of way that is proposed to be removed or relocated. However, it is to be noted that tree removal within York Region road right of way shall be avoided to the extent possible/practical. Financial or other compensation may be sought based on the value of trees proposed for removal.

- d) A planting plan for all new and relocated vegetation to be planted within the York Region road right of way, based on the following general guideline:

Tree planting shall be undertaken in accordance with York Region standards as articulated in Streetscaping Policy and using species from the York Region Street Tree Planting List. These documents may be obtained from the Forestry Section. If any landscaping or features other than tree planting (e.g. flower beds, shrubs) are proposed and included in the subdivision agreement, they will require the approval of the Town and be supported by a Maintenance Agreement between the Town and the Region for Town maintenance of these features; any such Maintenance Agreement should indicate that where the area municipality does not maintain the feature to York Region's satisfaction, the area municipality will be responsible for the cost of maintenance or removal undertaken by the Region.

- e) For landscape features not maintained to York Region's satisfaction, the area municipality will be responsible for the cost of maintenance or removal undertaken by the Region.

22.14 Prior to final approval, the Owner shall engage the services of a consultant to prepare and submit for review and approval, a noise study to the satisfaction of the Community Planning and Development Services Division recommending noise attenuation features.

22.15 The Owner shall agree in the subdivision agreement, in wording satisfactory to the Community Planning and Development Services Division, to implement the noise attenuation features as recommended by the noise study and to the satisfaction of the Community Planning and Development Services Division.

22.16 The Owner shall agree in the subdivision agreement, in wording satisfactory to the Community Planning and Development Services Division, that where berm, noise wall, window and/or oversized forced air mechanical systems are required, these features shall be certified by a professional engineer to have been installed as specified by the approved Noise Study and in conformance with the Ministry of Environment guidelines and the York Region Noise Policy.

22.17 The following warning clause shall be included in a registered portion of the subdivision agreement with respect to the lots or blocks affected:

"Purchasers are advised that despite the inclusion of noise attenuation features within the development area and within the individual building units, noise levels will continue to increase, occasionally interfering with some activities of the building's occupants".

22.18 Where noise attenuation features will abut a York Region right-of-way, the Owner shall agree in the subdivision agreement, in wording satisfactory to York Region's Community Planning and Development Services Division, as follows:

- a) that no part of any noise attenuation feature shall be constructed on or within the York Region right-of-way;

- b) that noise fences adjacent to York Region roads may be constructed on the private side of the 0.3 metre reserve and may be a maximum 2.5 metres in height, subject to the area municipality's concurrence;
- c) that maintenance of the noise barriers and fences bordering on York Region right-of ways shall not be the responsibility of York Region.

22.19 Prior to final approval, the Owner shall agree that the following lands will be conveyed to York Region for public highway purposes, free of all costs and encumbrances, to the satisfaction of York Region Solicitor:

- a) a road widening across the full frontage of the site where it abuts Hwy 7 of sufficient width to provide a minimum of 24.5 metres from the centreline of construction of Hwy 7; and
- b) a road widening across the full frontage of the site where it abuts Ninth Line of sufficient width to provide a minimum of 24.5 metres from the centreline of construction of Hwy 7; and
- c) a 15.0 metre by 15.0 metre daylight triangle at the northwest corner of the site (opposite Rose Way) of Ninth Line; and
- d) a 15.0 metre by 15.0 metre daylight triangle at the northeast corner of intersection of Hwy 7 and Ninth Line; and
- e) a 10.0 metre by 10.0 metre daylight triangle at the intersections of Hwy 7 and Street "B" and "D"; and
- f) a 10.0 metre by 10.0 metre daylight triangle at the intersection of Ninth Line and Street "A"; and
- g) a 0.3 metre reserve across the full frontage of the site, except at the approved access location, adjacent to the above noted widenings, where it abuts Hwy 7 and Ninth Line and adjacent to the above noted widenings

22.20 Prior to final approval, the Owner shall provide a solicitor's certificate of title in a form satisfactory to the York Region Solicitor, at no cost to York region with respect to the conveyance of the above noted lands to the York Region.

22.21 The Region requires the Owner to submit, in general accordance with the requirements of the Environmental Protection Act and O. Reg. 153/04 Records of Site Condition Part XV.1 of the Act (as amended) ("O. Reg. 153/04"), a Phase I environmental site assessment ("Phase I ESA") of the Owner's lands that are the subject of the application, including the lands to be conveyed to the Region (the "Conveyance Lands"). The Phase I ESA cannot

be more than 2 years old as of the actual date title to the Conveyance Lands is transferred to the Region. If the Phase I ESA is linked to different phases of development and there will be multiple conveyances of lands, the Phase I ESA prepared in respect of a specific conveyance and phase of development cannot be more than two years old as of the actual date of transfer of title to the Region. If a Phase I ESA is or would be more than two years old as of the actual date of transfer of title to the Region, the Phase I ESA will need to be either updated or a new Phase I ESA obtained by the Owner in accordance with the requirements of this section. The Region, at its discretion, may require further study, investigation, assessment and delineation to determine whether any remedial or other action is required regardless of the findings or conclusions of the Phase I ESA. Any Phase II environmental site assessment required by or submitted to the Region must be prepared in general accordance with the requirements of O. Reg. 153/04 (as noted above). Reliance on the Phase I ESA and any subsequent environmental reports or other documentation prepared in respect of the environmental condition of the lands must be provided to the Region and: (i) will be addressed to "The Regional Municipality of York"; (ii) contain wording to the effect that the Region is entitled to rely on such reports or documentation in their entirety; and (iii) the terms and conditions of the reliance extended (including any wording seeking to limit liability) must be satisfactory to the Region.

The Owner shall also provide the Region's Development Engineering with a certified written statement from the Owner or the Owner's authorized representative that no contaminant, pollutant, waste of any nature, hazardous substance, toxic substance, dangerous goods, or other substance or material defined or regulated under applicable environmental laws is present at, on, in or under lands to be conveyed to the Region (including soils, substrata, surface water and groundwater, as applicable): (i) at the time of conveyance, at a level or concentration that exceeds the Environmental Protection Act O. Reg. 153/04 (as amended) full depth generic site condition standards applicable to the intended use of such lands by the Region or any other remediation standards published or administered by governmental authorities applicable to the intended land use; and (ii) in such a manner, condition or state, or is emanating or migrating from such lands in a way, that would contravene applicable environmental laws.

The preparation and delivery of the Phase I ESA, any subsequent environmental reports, other documentation, reliance and the Owner's certified written statement shall be provided at no cost to the Region.

- 22.22 The Owner shall agree in the subdivision agreement, in wording satisfactory to Development Engineering, to be responsible to decommission any existing wells on the owner's lands in accordance with all applicable provincial legislation and guidelines and to the satisfaction of the area municipality.
- 22.23 The Owner shall agree in the subdivision agreement, in wording satisfactory to Development Engineering, prior to the development approval of Blocks 2 and 5 in this plan of subdivision, that access to Hwy 7 shall be via the internal road network and direct access to Hwy 7 will not be permitted.

- 22.24 The Owner shall agree in the subdivision agreement, in wording satisfactory to Development Engineering, prior to the development approval of Blocks 1 and 2 in this plan of subdivision, that access to Ninth Line shall be via the internal road network and direct access to Ninth Line will not be permitted.
- 22.25 The Owner shall agree in the subdivision agreement, in wording satisfactory to Development Engineering, that Street “A” shall be designed to intersect Ninth Line at a right angle or on a common tangent with any interim or permanent intersection works including turning lanes, profile adjustments and illumination as deemed necessary by Development Engineering.
- 22.26 The Owner shall agree in the subdivision agreement, in wording satisfactory to Development Engineering, that Street “A” shall be restricted to right-in/right-out movements only to Ninth Line.
- 22.27 The Owner shall agree in the subdivision agreement, in wording satisfactory to Development Engineering, that Streets “B” and “D” shall be designed to intersect Ninth Line at a right angle or on a common tangent with any interim or permanent intersection works including turning lanes, profile adjustments and illumination as deemed necessary by Development Engineering.
- 22.28 The Owner shall agree in the subdivision agreement, in wording satisfactory to Development Engineering, that Streets “B” and “D” shall be restricted to right-in/right-out movements only to Hwy 7.
- 22.29 Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Community Planning and Development Services Division, that all local underground services will be installed within the area of the development lands and not within York Region’s road allowance. If a buffer or easement is needed to accommodate the local services adjacent to York Region’s right-of-way, then the Owner shall provide a satisfactory buffer or easement to the Area Municipality, at no cost to the Region.
- 22.31 The Owner shall agree in the subdivision agreement, in wording satisfactory to the Community Planning and Development Services Division that the Owner will be responsible for determining the location of all utility plants within York Region right-of-way and for the cost of relocating, replacing, repairing and restoring any appurtenances damaged during construction of the proposed site works. The Owner must review, or ensure that any consultants retained by the Owner, review, at an early stage, the applicable authority’s minimum vertical clearances for aerial cable systems and their minimum spacing and cover requirements. The Owner shall be entirely responsible for making any adjustments or relocations, if necessary, prior to the commencement of any construction.
- 22.32 Prior to final approval, the Owner shall satisfy the Regional Municipality of York Transportation Services Department that the services to be installed within or in conjunction with the Plan will provide for sidewalks on both sides of the roadways listed below, unless only one side of the street lies within the limits of the subject lands. The sidewalks shall meet

the local municipality’s standards, and be provided by the Owner along the subject lands’ frontage onto roadways that have / will have transit services.

Existing YRT/Viva transit services operate on the following roadway in the vicinity of the subject lands:

- Highway 7
- 9th Line

Future YRT/Viva transit services are planned for the following roadways or sections of:

- Rustle Woods Avenue
- Street D
- Street C
- Street A
- Street B

22.34 Prior to final approval, the Owner shall satisfy the Regional Municipality of York Transportation Services Department and the area municipality that the services to be installed by the Owner within or in conjunction with the Plan will provide a concrete pedestrian access connection from the internal roadways to the Regional roadway as follows:

- From “Street A” to “9th Line”
- From “Street D” to “Highway 7”
- From “Street B” to “Highway 7”

The concrete pedestrian access connection shall meet the local municipality’s standards for sidewalks and shall be owned and maintained by the area municipality.

22.35 The Owner shall agree in the subdivision agreement to convey lands to the local municipality to provide for such pedestrian access connection referred to in Condition 22.34 above.

22.36 The owner shall satisfy the Regional Municipality of York transportation Services Department that the services to be installed within or in conjunction with the Plan will provide passenger standing areas / shelter pads identified below and shall be installed to the satisfaction of the local municipality and York Region Transit (YRT). The Region confirms that all such passenger standing / shelter pads shall be owned and maintained by the Region and the local municipality shall have no responsibility for those, notwithstanding that they may be included in the subdivision agreement.

Subject to approval by YRT, passenger standing area and shelter pads shall be provided at the following location:

ON Street	AT Street	Location	Standard	Traffic Signal Request
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Highway 7	9 th Line	Northeast Corner	YRT-1.02 or YRT-1.03	
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The passenger standing area and shelter pads shall be provided at no cost to the Region and shall be provided concurrently with the construction of necessary sidewalks. The Owner may apply for a development charge credit, in accordance with the York Region – Road Works development charges credit guideline for passenger standing area and shelter pads.

Landscaping should not interfere with the bus stop, passenger standing area, shelter or corner sightlines. Bus stops located in front of the employment areas shall be incorporated into the landscape design.

The bus stop location determined during the design phase is subject to change. Prior to construction of the passenger standing area/shelter pad, the Owner / consultant shall confirm with YRT the final bus stop location / requirements. The Owner / consultant is to contact YRT facilities supervisor to confirm final details.

- 22.37 Prior to final approval, the Owner shall submit drawings showing, as applicable, the sidewalk locations, concrete pedestrian access, passenger standing area and shelter pad to the satisfaction of York Region.
- 22.38 Streets “A, B, C and D” and Rustle Woods Avenue shall be designed to accommodate transit vehicles to the satisfaction of the area municipality and York Region Transit. The minimum pavement width for transit vehicles is 3.5 m. The minimum curb radius for transit vehicles is 15 m. These standards are according to the Canadian Transit Handbook and the Ontario Urban Transit Association.
- 22.38 The Owner shall agree in the Subdivision Agreement to advise all potential purchasers of the existing and future introduction of transit services in this development as identified in Condition 34. This includes current and potential transit routes, bus stops and shelter locations. This shall be achieved through distribution of information/marketing materials (YRT/Viva route maps, Future Plan maps & providing YRT/Viva website contact information) at sales offices and appropriate notification clauses in purchase agreements. The YRT/Viva route maps and the Future Plan maps are available from YRT/Viva upon request.
- 22.39 The Owner shall satisfy the Regional Municipality of York Transportation Services Department that the services to be installed within or in conjunction with the Plan will include illumination in accordance with the local municipality’s / York Region’s design standards along all streets which have or will have transit services, sidewalks, pedestrian access and bus stop location[s].
- 22.40 Prior to final approval, the Owner shall provide a copy of the Executed Subdivision Agreement to the Community Planning and Development Services Division, outlining all requirements of the Community Planning and Development Services Division.

22.41 The Owner shall enter into an agreement with York Region, agreeing to satisfy all conditions, financial and otherwise, of the Regional Corporation; Regional Development Charges are payable in accordance with Regional Development Charges By-law in effect at the time that Regional development charges, or any part thereof, are payable.

22.42 The Regional Community Planning and Development Services shall advise that Conditions 22.1 to 22.41 inclusive, have been satisfied.

23.0 Ministry of Natural Resources

23.1 The Owner acknowledges that the Redside Dace has been added to the list of endangered species pursuant to the *Endangered Species Act, 2007*. S.O. 2007, c. 6. (the “Act”), and that the Ministry of Natural Resources (Ontario) has prepared a recovery strategy for the Redside Dace, entitled “Redside Dace (*Clinostomus elongatus*) in Ontario, Ontario Recovery Strategy Series”, dated February 2010 (the “Recovery Strategy”). The Owner acknowledges that, notwithstanding this Agreement and any approvals made or given by the City in respect of the Subdivision, the onus is on the Owner to comply with the provisions of the Act and the Owner covenants and agrees to use its best efforts to comply the Recovery Strategy, if applicable to the Subdivision, including but not limited to protection of the meander belt of any stream providing habitat to the Redside Dace and its associated riparian habitat that is within 30 metres from the meander belt. The Owner covenants and agrees to indemnify and save harmless the City, its directors, officers, Mayor, Councillors, employees and agents from any and all actions, causes of actions, suits, claims, demands, losses, penalties, fines, expenses and damages whatsoever that may arise either directly or indirectly from the approval and registration of the Subdivision and the Assumption of the Subdivision, the construction and use of the Works or anything done or neglected to be done in connection with the *Endangered Species Act, 2007* and the Recovery Strategy.

24.0 External Clearances

24.1 Prior to release for registration of the final draft plan of subdivision, clearance letters, containing a brief statement detailing how conditions have been met, will be required from authorized agencies as follows:

- a) Canada Post shall advise that their conditions and requirements have been satisfied.
- b) The Toronto and Region Conservation Authority shall advise that their conditions and requirements have been satisfied.
- c) The Regional Municipality of York Planning Department shall advise that their conditions and requirements have been satisfied.

- d) The utility companies, including Powerstream, Enbridge, telecommunications companies, etc. shall advise that their conditions and requirements have been satisfied.
- e) The Ministry of Culture shall advise that matters relating to heritage resources have been addressed.

ISSUED: November date, 2017

Ron Blake, M.C.I.P., R.P.P.
Senior Development Manager

OFFICIAL PLAN
of the
CITY OF MARKHAM PLANNING AREA
AMENDMENT NO. XXX

To amend the Official Plan (Revised 1987), as amended, and to incorporate Amendment No. 11 to the Cornell Secondary Plan (PD 29-1), as amended, for the Cornell Planning District (Planning District No. 29).

(Lawrence Litvack)

(October, 2017)

OFFICIAL PLAN
of the
CITY OF MARKHAM PLANNING AREA
AMENDMENT NO. XXX

To amend the Official Plan (Revised 1987), as amended, and to incorporate Amendment No. 11 to the Cornell Secondary Plan (PD 29-1), as amended, for the Cornell Planning District (Planning District No. 29).

This Official Plan Amendment was adopted by the Corporation of the City of Markham, By-law No. 2017 - ____ in accordance with the Planning Act, R.S.O., 1990 c.P.13, as amended, on _____, 2017.

KIMBERLY KITTERINGHAM
CITY CLERK

FRANK SCARPITTI
MAYOR

THE CORPORATION OF THE CITY OF MARKHAM

BY-LAW NO. 2017 - _____

Being a by-law to adopt Amendment No. XXX to the City of Markham Official Plan
(Revised 1987), as amended.

THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM, IN ACCORDANCE
WITH THE PROVISIONS OF THE PLANNING ACT, R.S.O., 1990 HEREBY ENACTS AS
FOLLOWS:

1. THAT Amendment No. XXX to the City of Markham Official Plan (Revised 1987), as amended,
attached hereto, is hereby adopted.
2. THAT this by-law shall come into force and take effect on the date of the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND PASSED ON _____, 2017.

KIMBERLY KITTERINGHAM
CITY CLERK

FRANK SCARPITTI
MAYOR

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PART I - INTRODUCTION

(This is not an operative part of Official Plan Amendment No. XXX)

PART I - INTRODUCTION

1.0 GENERAL

- 1.1** PART I - INTRODUCTION, is included for information purposes and is not an operative part of this Official Plan Amendment.
- 1.2** PART II - THE OFFICIAL PLAN AMENDMENT, including Schedule “A” and “B” attached thereto constitutes Official Plan Amendment No. XXX to the Official Plan (Revised 1987), as amended, and is required to enact Amendment No. 11 to the Cornell Secondary Plan (PD 29-1), as amended, for the Cornell Planning District (Planning District No. 29). Part II is an operative part of this Official Plan Amendment.
- 1.3** PART III - THE SECONDARY PLAN AMENDMENT including Schedules “C” and “D” attached thereto, constitutes Amendment No. 11 to the Cornell Secondary Plan (PD 29-1), as amended, for the Cornell Planning District (Planning District No. 29). This Secondary Plan Amendment may be identified by the symbol PD 29-1-11. Part III is an operative part of this Official Plan Amendment.

2.0 LOCATION

This Amendment applies to lands in the Cornell Planning District located on the north side of Highway 7 between east of 9th Line as shown on Schedule “A”. The lands have an approximate area of 6.91 hectares.

3.0 PURPOSE

The purpose of this Amendment is to permit residential and mixed use developments with a range of building heights and densities on the subject lands. More specifically, the Amendment provides for multiple dwelling, apartment and mixed use buildings, ranging in height from 4 to 24 storeys.

4.0 BASIS OF THIS OFFICIAL PLAN AMENDMENT

The subject lands are located within the Deferral #2 area in the Cornell Secondary Plan (OPA 168). At the time of approval of OPA 168, the land use designations within the Deferral #2 areas were deferred pending completion of a comprehensive development concept which demonstrated a coordinated approach to the development of all the lands subject to Deferral #2, including a local road network and distribution of parkland. This concept has now been developed as part of the ongoing update of the Cornell Centre policies of the OPA 168. With this Amendment, the subject lands will be removed from the Deferral #2 area and will become subject to new land use designations reflecting the emerging policy framework for Cornell Centre.

The new designations provide for high density residential and mixed use development which support the retail and employment uses and planned regional transit service along Highway 7, and reflect proximity of the site to the proposed regional transit terminal.

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PART II - THE OFFICIAL PLAN AMENDMENT
(This is an operative part of Official Plan Amendment No. XXX)

PART II - THE OFFICIAL PLAN AMENDMENT

1.0 THE OFFICIAL PLAN AMENDMENT

- 1.1** Section 1.1.2 of Part II of the Official Plan (Revised 1987), as amended, is hereby amended by the addition of the number XXX to the list of amendments, to be placed in numerical order including any required grammatical and punctuation changes.
- 1.2** Section 1.1.3(c) of Part II of the Official Plan (Revised 1987), as amended, is hereby amended by the addition of the number XXX to the list of amendments listed in the second sentence of the bullet item dealing with the Cornell Secondary Plan (PD 29-1), as amended, for the Cornell Planning District, to be placed in numerical order including any required grammatical and punctuation changes prior to the words “to this Plan”.
- 1.3** Section 9.2.13 of Part II of the Official Plan (Revised 1987), as amended, is hereby amended by the addition of the number XXX to the list of amendments, to be placed in numerical order including any required grammatical and punctuation changes prior to the words “to this Plan”.
- 1.4** Schedule ‘A’ – LAND USE of the Official Plan (Revised 1987), as amended, is hereby amended by redesignating certain lands north of Highway 7 from URBAN RESIDENTIAL to COMMERCIAL as shown on Schedule “A” attached hereto.
- 1.5** Schedule ‘H’ – COMMERCIAL/INDUSTRIAL CATEGORIES of the Official Plan (Revised 1987), as amended, is hereby amended by adding certain lands as ‘Community Amenity Area’ as shown on Schedule “B” attached hereto.
- 1.6** No additional changes to the text or schedules of the Official Plan (Revised 1987), as amended, are being made by this Amendment. This Amendment is being made to the text of the Cornell Secondary Plan (PD 29-1), as amended, for the Cornell Planning District (Planning District No. 29). These changes are outlined in Part III, which comprises Amendment No. 11 to the Cornell Secondary Plan (PD 29-1).

2.0 IMPLEMENTATION AND INTERPRETATION

The provisions of the Official Plan, as amended, regarding the implementation and interpretation of the Plan, shall apply in regard to this Amendment, except as specifically provided for in this Amendment.

This Amendment shall be implemented through an amendment to the Zoning By-law and Site Plan Control in conformity with the provisions of this Amendment, and the applicable provisions of the Cornell Secondary Plan (PD 29-1), as amended.

This Amendment to the Official Plan (Revised 1987), as amended, is exempt from approval by the Region of York. The Region remains the approval authority for removal of the lands from the Deferral #2 area. Following adoption of the Amendment, notice of Council’s decision will be given in accordance with the Planning Act, and the decision of Council is final if a notice of appeal is not received before or on the last day for filing an appeal.

Prior to Council's decision becoming final, this Amendment may be modified to incorporate technical amendments to the text and schedule(s). Technical amendments are those minor changes that do not affect the policy or intent of the Amendment. For such technical amendments, the notice provisions of Section 7.13 (c) of Part II of the Official Plan (Revised, 1987), as amended, shall not apply.

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PART III - THE SECONDARY PLAN AMENDMENT (PD 29-1-11)
(This is an operative part of Official Plan Amendment No. XXX)

PART III - THE SECONDARY PLAN AMENDMENT (PD 29-1-11)

1.0 THE SECONDARY PLAN AMENDMENT

(Amendment No. 11 to the Cornell Secondary Plan PD 29-1)

The Cornell Secondary Plan (PD 29-1) for the Cornell Planning District is hereby amended as follows:

- 1.1 Schedule 'AA' - Detailed Land Use is hereby amended as shown in Schedule "C" attached hereto.
- 1.2 Section 6.1.1 b) is hereby amended by adding the following land use designations:
 - 'Community Amenity Area - Mixed Use 9th Line'.
- 1.3 Section 6.2.6 Urban Residential Designations is hereby amended by inserting a new Figure 29-1-11 as shown in Schedule "D" attached hereto and by inserting the text as follows:

“6.2.6 Residential High Rise

The 'Residential High Rise' designation applies to lands on the north side of Highway 7 east of 9th Line as shown on Figure 29-1-11. The designation is intended to accommodate high density residential and mixed-use development supporting the retail and employment uses and planned regional transit service along Highway 7.

6.2.6.1 Uses

Lands within this designation may be zoned to permit dwelling units, including home occupations and shared housing. The following additional may be permitted on the ground floor and second floor of an apartment building:

- a) commercial fitness centre;
- b) commercial school;
- c) day care centre;
- d) financial institution;
- e) office;
- f) private school;
- g) place of worship;
- h) retail;
- i) service uses, with the exception of motor vehicle service stations and commercial storage facilities; and
- j) trade school.

6.2.6.2 Building Types

The following building types are provided for:

- a) apartment buildings

6.2.6.3 Heights and Densities

- a) Minimum and maximum heights in each development block within the designation shall be as shown in Figure 29-1-11.
- b) The minimum floor space index of development in each development block within the designation shall be as shown in Figure 29-1-11.
- c) Notwithstanding Schedule CC – Development Blocks and Appendix 3 the maximum density shall be in accordance with Figure 29-1-11.

6.2.6.4 Development Criteria

In addition to the urban design policies in Section 7.0, the following policies apply:

- a) Prior to development proceeding within any block, a comprehensive block plan shall be submitted to the satisfaction of the city in accordance with Section 11.10 of this Plan.
- b) Buildings should generally be placed on a site to have a continuous street frontage with a consistent setback in order to provide for continuity in built form along a public street.
- c) Development shall address and animate public street frontages, particularly the Highway 7 frontage, including the provision of primary entrances and facades on these streets.
- d) Building placement and articulation of the building facade will be provided in accordance with the urban design policies of this Plan, and as further articulated in the Community Design Plan/Precinct Plan.
- e) Where high rise buildings are provided in a podium and tower form, the floor plate of the tower portion of buildings above eight (8) storeys shall generally not exceed 800 square metres.
- f) Buildings fronting Highway 7 should be designed to accommodate non-residential uses on the ground floor.
- g) Convenience retail and personal service uses on the ground floor of buildings shall not exceed 500 square metres of gross floor area per premise.
- h) Where buildings fronting Highway 7 are located at intersections, ground floor uses shall wrap around the edge of intersecting streets.
- i) Pedestrian connections will be provided to adjacent neighbourhoods and to the regional transit terminal.
- j) Structured parking and/or underground parking shall be encouraged in place of surface parking.

- k) Surface parking shall not be permitted adjacent to public streets, and access shall be restricted to interior streets or lanes.
- l) Loading and parking facilities shall be screened from public view and buffered so as to reduce impacts on adjacent residential uses.

1.4 Section 6.3 Commercial Designations is hereby amended by adding the following sections and inserting a new Figure 29-1-11 as shown in Schedule “D” attached hereto:

6.3.8 Community Amenity Area - Mixed Use 9th Line

The ‘Community Amenity Area – Mixed Use 9th Line’ designation applies to lands to the south of the community facilities and health care campus and includes the location of a proposed regional transit terminal. The designation provides for a concentration of office and high density residential uses in proximity to the community facilities and health care campus, building on the campus as a major employment node in Cornell Centre. It is also intended that a secondary main street be developed along Rustle Woods Avenue, providing an animated pedestrian-friendly connection between the primary Bur Oak Avenue main street and the regional transit terminal.

6.3.8.1 General

a) The development standards and criteria contained in this section reflect the intended development of lands within the ‘Community Amenity Area – Mixed Use 9th Line’ designation in a mixed use multi-storey form. Section 6.3.9 also applies to non-residential development within this designation.

6.3.8.2 Uses

Lands within this designation may be zoned to permit:

- a) banquet hall, within a hotel or trade and convention centre;
- b) commercial fitness centre;
- c) commercial parking garage;
- d) commercial school;
- e) community college or university;
- f) day care centre, subject to the provisions of Section 6.7.6;
- g) dwelling unit, including a home occupation;
- h) financial institution;
- i) hotel;
- j) office;
- k) place of entertainment;
- l) place of worship, subject to the provisions of Section 6.7.5;
- m) private club;
- n) private school;
- o) restaurant;
- p) retail;
- q) service uses, with the exception of motor vehicle service stations and commercial storage facilities;
- r) shared housing; and
- s) trade school.

6.3.8.3 Building Types

The following building types are provided for:

- a) apartment buildings;
- b) stacked townhouses, except along highway 7 and Rustle Woods Avenue frontages;
- c) multi-storey non-residential or mixed use buildings; and
- d) single storey community facilities buildings.

6.3.8.4 Height and Density

- a) Minimum and maximum heights in each development block within the designation shall be as shown in Figure 29-1-11 subject to the following:
 - Heights within 30 metres of the 9th Line right-of-way shall not exceed 4 storeys.
- b) The minimum floor space index of development in each development block within the designation shall be as shown in Figure 29-1-11.
- c) Notwithstanding Schedule CC – Development Blocks and Appendix 3 the minimum density shall be in accordance with Figure 29-1-11.

6.3.8.5 Development Criteria

In addition to the urban design policies in Section 7.0, the following policies apply:

- a) The ground floor of buildings fronting Rustle Woods Avenue shall accommodate secondary retail, personal service, office and other non-residential uses compatible with the primary residential or office use. Where the ground floor of a multi-storey building is required to accommodate non-residential uses, the following policies apply:
 - Any residential; uses or accessory residential uses on the ground floor of mixed use buildings shall generally not exceed 25%, and in no case shall exceed 45%, of the ground floor of the gross floor area.
 - The ground floor shall achieve a minimum height of 4.5 metres, or as further defined in the Community Design Plan.
- b) Dwelling units are not permitted on the north side of Rustle Woods Avenue.
- c) Retail uses shall generally be limited to individual retail premises with a gross floor area not exceeding 1,000 square metres. The implementing zoning by-law may further restrict the number of retail premises that may be permitted to have the maximum permitted gross floor area or the proportion of the gross floor area that may be devoted to retail premises of the maximum size.

- d) Notwithstanding 6.3.8.5 c) one food store premise may exceed a gross floor area of 1,000 square metres, up to a maximum of 6,000 square metres, provided it is located within a mixed-use building on a development block within the designation shown in Figure 29-1-11.

6.3.9 Provisions for ‘First Phase’ of Development

- a) It is anticipated that lands within the ‘Community Amenity Area – Mixed Use 9th Line’ designation may be developed in phases. With the exception of residential development, which is subject to the policies in Section 6.3.8, the following policies apply to the ‘first phase’ of development.
- b) The ‘first phase’ of development shall be defined by the first site plan approval(s) granted to any or all lands within the designation.
- c) The height and density provisions of Section 6.3.8 shall not apply to non-residential development. Where non-residential buildings fronting Highway 7 and Rustle Woods Avenue do not achieve the minimum heights required in Sections 6.3.8, the maximum height shall be two storeys. The maximum height for non-residential buildings elsewhere within the designation shall also be two storeys.
- d) Notwithstanding the policies of Sections 6.3.8 in the ‘Mixed Use 9th Line’ designation, one food store premise may exceed a gross floor area of 1,000 square metres, up to a maximum of 6,000 square metres.
- e) Development is permitted where it can be demonstrated to the satisfaction of the City that:
- An appropriate mix of uses is being provided
 - The proposed development addresses and animates the Highway 7 and/or Rustle Woods Avenue frontage, including the provision of primary entrances and facades on these streets
 - Buildings are located in a manner that does not preclude the effective redevelopment of the lands in mixed use and multi-storey form within smaller development blocks, particularly the delivery of a more refined public street network
 - Pedestrian connections are provided to adjacent neighbourhoods and to Highway 7 and/or Rustle Woods Avenue, and
 - Parking and service areas are generally located at the rear of proposed buildings and appropriately screened from public streets.
- f) Prior to approval of the ‘first phase’ of development, a comprehensive block plan shall be submitted to establish a framework for the long term redevelopment of the site in an intensified multi-storey form. The plan shall provide detailed guidance regarding the pattern, nature and phasing of development to address, among other things, the following:
- An appropriate mix of uses;

- Distribution of height and density targets identified in each designation;
- Protection and enhancement of natural heritage and hydrologic features;
- The proposed layout of streets, lanes and development blocks, including provision for required public streets;
- The proposed system of movement on streets including pedestrian, cycling and transit routes and transit;
- The locations of required parks and open space and other community infrastructure;
- The location of publicly accessible walkways and vehicular access driveways, including mid-block connectors and potential surface parking areas;
- Transition between areas of different intensities and uses; and
- Relationships between buildings, streets and open spaces.

g) Development proposals to add or reduce the gross floor area approved within the ‘first phase’ of development, other than by a minor amount, shall be subject to the height and density polices in Section 6.3.8.

2.0 IMPLEMENTATION AND INTERPRETATION

The provisions of the Official Plan, as amended, regarding the implementation and interpretation of the Plan, shall apply in regard to this Amendment, except as specifically provided for in this Amendment.

This Amendment shall be implemented through an amendment to the Zoning By-law and Site Plan Control in conformity with the provisions of this Amendment, and the applicable provisions of the Cornell Secondary Plan (PD 29-1), as amended.

Amendment to the Official Plan (Revised 1987), as amended, is exempt from approval by the Region of York. The Region remains the approval authority for removal of the lands from the Deferral #2 area. Following adoption of the Amendment, notice of Council’s decision will be given in accordance with the Planning Act, and the decision of Council is final if a notice of appeal is not received before or on the last day for filing an appeal.

Prior to Council’s decision becoming final, this Amendment may be modified to incorporate technical amendments to the text and schedule(s). Technical amendments are those minor changes that do not affect the policy or intent of the Amendment. For such technical amendments, the notice provisions of Section 7.13 (c) of Part II of the Official Plan (Revised, 1987), as amended, shall not apply.

Prior to Council’s decision becoming final, this Amendment may be modified to incorporate technical amendments to the text and schedule(s). Technical amendments are those minor changes that do not affect the policy or intent of the Amendment. For such technical amendments, the notice provisions of Section 7.13 (c) of Part II of the Official Plan (Revised, 1987), as amended, shall not apply.